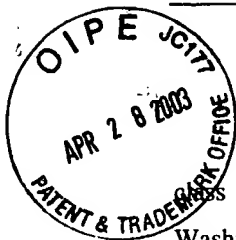


PATENT

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CERTIFICATE OF MAILING UNDER 37 CFR § 1.8(a)

I hereby certify that this REPLY BRIEF is being deposited with the United States Postal Service as first class mail/Priority Mail in an envelope addressed to: Assistant Commissioner of Patents and Trademarks, Washington, DC 20231, on 4/22/03.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	Customer No.: 32127
)	
Steven E. GARDELL et al.)	Group Art Unit: 2662
)	
Application No.: 09/177,700)	Examiner: H. Nguyen
)	
Filed: October 23, 1998)	
)	
For: MULTI-LINE APPEARANCE)	
TELEPHONY VIA A COMPUTER)	
NETWORK)	

REPLY BRIEF

COMMISSIONER FOR PATENTS
WASHINGTON, DC 20231

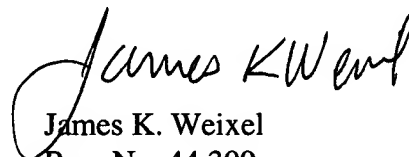
Dear Sir:

Enclosed herewith is a Reply Brief in the above-referenced application, filed in triplicate.

Please charge any fee required by filing this Reply Brief to Deposit Account No. 07-2339.

The Assistant Commissioner for Patents is also authorized to charge any additional fee required by the submission of these papers, or to credit any overpayment to Deposit Account 07-2339. One additional copy of this letter is enclosed herewith.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James K. Weixel". The signature is fluid and cursive, with the first name "James" being the most prominent part.

James K. Weixel
Reg. No. 44,399
Attorney for Appellants

Verizon Services Group
600 Hidden Ridge, HQE03H01
Irving, TX 75038
(781) 466-2220

Enclosures



PATENT
Attorney Docket No. 97-813RCE1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Patent Application of)

Steven E. GARDELL et al.)

Application No.: 09/177,700)

Filed: October 23, 1998)

For: MULTI-LINE APPEARANCE)
TELEPHONY VIA A COMPUTER)
NETWORK)

Customer No.: 32127

Group Art Unit: 2662

Examiner: H. Nguyen

RECEIVED
APR 29 2003
Technology Center 2600

REPLY BRIEF UNDER 37 CFR § 1.193

Commissioner for Patents
Washington, D.C. 20231

Sir:

This Reply Brief is submitted in response to the Examiner's Answer, mailed February 26, 2003.

At the outset, Appellants submit that the Examiner's Answer is improper for including a new grounds of rejection. 37 C.F.R. § 1.193(a)(2) prohibits the entry of a new grounds of rejection in an Examiner's Answer. Appellants reiterated the grounds of rejection as they appeared in the final rejection in the "STATUS OF CLAIMS" section in the Appeal Brief. Appeal Brief, page 2. The Examiner agreed with Appellants' recitation of the grounds of rejection. Examiner's Answer, page 2. The Examiner then proceeded to change the grounds of rejection. Examiner's Answer, pages 3-11.

The grounds of rejection as set forth in the final rejection are as follows: (1) claims 1-3

and 6-16 were rejected under 35 U.S.C. § 103(a) as unpatentable over Kumar et al. (U.S. Patent No. 6,006,253) in view of Pang et al. (U.S. Patent No. 6,298,045); and (2) claims 4, 5, and 17-19 were rejected under 35 U.S.C. § 103(a) as unpatentable over Kumar et al. in view of Skarbo et al. (U.S. Patent No. 5,546,447) and Pepper et al. (U.S. Patent No. 5,930,700). Final Office Action, pages 2-5. In the Examiner's Answer, however, the grounds of rejection were changed to the following: (1) claims 1-14 were rejected under 35 U.S.C. § 103(a) as unpatentable over Kumar et al. in view of Pang et al.; and (2) claims 15-19 were rejected under 35 U.S.C. § 103(a) as unpatentable over Kumar et al. in view of Pang et al. and Pepper et al. Examiner's Answer, pages 3-11.

Due to Appellants' groupings of claims, the rejections with regard to independent claim 1 (representing the group of claims including claims 1-8) and independent claim 9 (representing the group of claims including claims 9-18) are not substantially altered due to the Examiner's change in the grounds of rejection. With regard to independent claim 19, however, the Examiner has substantially changed the rejection by swapping the Pang et al. reference for the Skarbo et al. reference. This constitutes a new ground of rejection that substantially limits Appellants' opportunity to respond appropriately to the rejection during prosecution of this application. Accordingly, the Examiner's Answer is improper.

Appellants also submit that the Examiner's Answer is improper for failing to include a ground of rejection with regard to independent claim 19: M.P.E.P. § 1208 requires that the Examiner's Answer include "[f]or each ground of rejection applicable to the appealed claims, an explanation of the ground of rejection, or reference to a final rejection or other single prior action

for a clear exposition of the rejection." M.P.E.P. § 1208 also requires that

(d) For each rejection under 35 U.S.C. 103, the examiner's answer, or single prior action, shall: (i) state the ground of rejection and point out where each of the specific limitations recited in the rejected claims is found in the prior art relied on in the rejection, (ii) identify any difference between the rejected claims and the prior art relied on, and (iii) explain how and why the claimed subject matter is rendered unpatentable over the prior art. If the rejection is based upon a combination of references, the examiner's answer, or single prior action, shall explain the rationale for making the combination.

The Examiner's Answer stated the ground of rejection for independent claim 19 (Examiner's Answer, page 10), but failed to point out where each of the specific features recited in claim 19 is found in the prior art relied on in the rejection, identify any difference between the rejected claim and the prior art relied on, or explain how and why the claimed subject matter is rendered unpatentable over the prior art.

The features identified by the Examiner, as corresponding to claim 19, are not, in fact, recited in claim 19. See Examiner's Answer, page 10. As explained in the Appeal Brief, the Examiner has yet to address any of the features recited in claim 19. Appeal Brief, page 15. In every response filed by Appellants, including the Appeal Brief, Appellants have noted these deficiencies in the Examiner's rejection of claim 19. In every subsequent Office Action, including the Examiner's Answer, the Examiner maintained the rejection of claim 19 without addressing Appellants' arguments or the features of claim 19. As such, the Examiner has failed to establish a prima facie case of obviousness under 35 U.S.C. § 103. The rejection under 35 U.S.C. § 103(a) with regard to claim 19 is, therefore, improper and should be withdrawn.

For at least the foregoing reasons, Appellants respectfully solicit the Honorable Board to

reverse the outstanding rejections of claims 1-19.

NEW GROUNDS OF REJECTION

The new grounds of rejection set forth in the Examiner's Answer forces Appellants to address the new combination of references used by the Examiner to reject claim 19. In particular, the Examiner rejected claim 19 under 35 U.S.C. § 103(a) as unpatentable over Kumar et al. in view of Pang et al. and Pepper et al. Examiner's Answer, page 10.

The Examiner alleged that claim 19 recites a method that comprises the steps of receiving plural incoming calls directed to a particular address; accessing a configuration database to identify at least one end-point associated with the address; and transmitting plural line appearance signals that identify origins of the incoming calls to each of the end-points. Examiner's Answer, page 10. The Examiner alleged that Kumar et al. discloses most of these claim limitations, but does not disclose accessing a database to identify the at least one end-point associated with the address. Examiner's Answer, page 10. The Examiner alleged that Pepper et al. discloses incoming calls from telephone 302 are interfaced by Interface TNI 304 which answers the call and alerts a service control 306 that a call has been received for a given line. Examiner's Answer, page 10. The Examiner further alleged that Pepper et al. discloses that the controller 306 uses phone book database 308 to determine the identity of the caller and subscriber to which the call is directed. Examiner's Answer, page 10.

In contrast to the allegations made by the Examiner, claim 19 recites a combination of features of a method for establishing an attendant/attendee relationship between plural terminal

end-points via an H.323-based communication system. The method includes creating a configuration database storing attendant and attendee relationships between respective ones of the terminal end-points; receiving an incoming call addressed to a particular number; accessing the configuration database to determine if the number corresponds to an attendant or attendee terminal end-point; if the number corresponds to an attendant terminal end-point, transmitting a line appearance that identifies an origin of the incoming call to the attendant terminal end-point; and if the number corresponds to an attendee terminal end-point, transmitting line appearances that identify the origin of the incoming call to the attendee terminal end-point and to the attendant terminal end-point associated in the configuration database with the attendee.

Neither Kumar et al., Pang et al., nor Pepper et al., whether taken alone or in any reasonable combination, discloses or suggests these features. For example, each of the references is silent with regard to an attendant/attendee relationship, where if a number corresponds to an attendant terminal end-point, a line appearance that identifies an origin of the incoming call is transmitted to the attendant terminal end-point, and if the number corresponds to an attendee terminal end-point, line appearances that identify the origin of the incoming call are transmitted to the attendee terminal end-point and to the attendant terminal end-point associated in a configuration database with the attendee.

As explained above, the Examiner has not addressed these particular features. As such, the Examiner has failed to establish a prima facie case of obviousness under 35 U.S.C. § 103. The rejection under 35 U.S.C. § 103(a) with regard to claim 19 is, therefore, improper and should be withdrawn.

Further, the Examiner did not even mention the Pang et al. reference in the rejection of claim 19. The Examiner also did not provide any motivation for combining the teachings of Pang et al. with the teachings of Kumar et al. or Pepper et al. Therefore, for at least these additional reasons, the rejection under 35 U.S.C. § 103(a) is improper and should be withdrawn.

In addition, the Examiner has not explained how and why one of ordinary skill in the art at the time of Appellants' invention would have been motivated to combine various features of Kumar et al., Pang et al., and Pepper et al. Indeed, Appellants believe that it would not be reasonable to combine features of a system that provides a back-channel for receiver terminals in a loosely-coupled conference (Kumar et al.) with an office attendant type program (Pang et al.) and a system for automatically screening calls (Pepper et al.).

The only apparent motivation for combining the references is found in Appellants' own disclosure which, of course, may not properly be relied upon to support the ultimate legal conclusion of obviousness under 35 U.S.C. § 103. Absent such impermissible hindsight reasoning, one of ordinary skill in the art, having the Kumar et al. reference, would not have been motivated to modify the reference in the manner suggested by the Examiner.

Further, none of the references suggests the modification of references set forth by the Examiner. For example, neither Pang et al. nor Pepper et al. provides any reasons or desire for combining their features with the loosely-coupled conferencing system of Kumar et al., and vice versa. That is, Kumar et al. provides no reasons or desire for combining the disclosed loosely-coupled conferencing system with the systems of Pang et al. and/or Pepper et al. Therefore, the Examiner's combination of the references is improper.

Accordingly, it is respectfully submitted that independent claim 19 is patentable over the Kumar et al. reference, the Pang et al. reference, and the Pepper et al. reference, whether taken alone or in any reasonable combination. Reversal of the rejection is respectfully requested.

EXAMINER'S SUMMARY OF INVENTION

At page 11 of the Examiner's Answer, the Examiner provided a summary of the invention. Without addressing the accuracy of the Examiner's summary, Appellants submit that their own summary of invention, as set forth in the Appeal Brief, is accurate. Appeal Brief, pages 2-4. The Examiner agreed that the summary of invention set forth in the Appeal Brief is correct. Examiner's Answer, page 2.

EXAMINER'S FAILURE TO RESPOND TO ARGUMENTS FROM APPEAL BRIEF

M.P.E.P. § 1208 requires that an Examiner Answer include "[a] statement of whether the examiner disagrees with each of the contentions of appellant in the brief with respect to the issues presented and an explanation of the reasons for disagreement with any such contention." The Examiner did not address most of the arguments set forth by Appellants in the Appeal Brief.

At pages 12-14 of the Examiner's Answer, the Examiner attempted to respond to one of Appellants' arguments. In particular, the Examiner addressed a single argument with respect to claim 1. Examiner's Answer, page 13. In addressing this argument, however, the Examiner provided nothing more than a reiteration of the rejection of claim 1 as set forth at pages 3-5 of the Examiner's Answer.

Reply Brief

PATENT
Application No. 09/177,700
Docket No. 97-813RCE1

Because the Examiner did not address or rebut any of Appellants' other arguments, the Examiner apparently must agree with Appellants' arguments. As such, withdrawal of the rejections and allowance of the claims are respectfully requested.

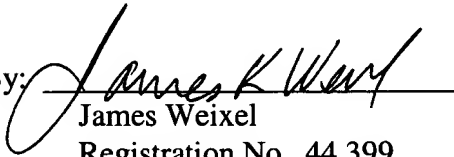
CONCLUSION

In view of the foregoing arguments, Appellants respectfully solicit the Honorable Board to reverse the outstanding rejections of claims 1-19.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 07-2339 and please credit any excess fees to such deposit account.

Respectively submitted,

VERIZON CORPORATE SERVICES GROUP INC.

By: 
James Weixel
Registration No. 44,399

Date: 4/21/2003

Verizon Corporate Services Group Inc.
600 Hidden Ridge, HQE03H01
Irving, Texas 75038
781/466-2220